Judges Barnard and Cardozo Impeached in the Senate.

Exciting and Interesting Scene in the Assembly.

THE CROWNING GLORY OF REFORM.

Eloquent Arraignment of the Corrupt Judges.

PATHETIC APPEAL OF MR. PRINCE

Abortive Effort to Have Barnard Removed by Concurrent Resolution.

The Vote for Impeachment 93 to 16.

Action in Judge McCunn's Case Deferred for the Present.

ALBANY, May 2, 1872. Whatever sins this so-called reform Legislature may have to answer for, it must be said in view of the vote of the lower House to-day that there is honor enough left to set the seal of condemnation on anything and everything looking like corruption on the bench. The fact that inasmuch a the Judiciary is vested with complete control the rights and liberties of the people, and that therefore it should be free from all in proper influence, was fully recognized in the able eches that were made in the Assembly and in the action of a very large majority of the members. The report of the Judiciary Committee, published in the HERALD to-day, recommended the impeachment of Judge Cardozo and Judge Barnard. In the case of Judge McCunn, the recommendation has been received that no action be taken until the evidence shall have been more carefully considered pending the proceedings for impeachment. Judge Cardozo's resignation was yesterday morning filed in the office of the Secretary of State, and It would seem from the fact that his case was passed over this morning that those to whom the prosecution of the matter has been committed considered the desired result with reference to Cardozo practically accomplished, and that his intended impeachment will be abandoned. This is a question, however, which has not yet been finally

JUDGE CARDOZO'S CASE APPARENTLY CLEAR. Notwithstanding the fact that he has sent in bis resignation, an effort may yet be made to go on with the proceedings for his impeachment. It is conceded that the case is clear against him, and is a conviction in the minds any members that his having tendered his resignation should not be allowed to shield him from that formal condemnation, which, it is believed, is essential to satisfy the demands of justice.

The report of the Judiciary Committee, with the

appended resolutions recommending the impeachment of both Judge Cardozo and Judge Barnard, was the special order to-day in the Assembly imme diately after the reading of the journal. There was a large attendance of members and spectators and a great deal of interest shown in the proceedings. When the special order was announced Mr. Prince, chairman of the Judiciary Committee, opened the debate in a brief but effective speech setting forth the importance and necessity of im-

RESOLUTION IMPEACHING JUDGE BARNARD. The following is the recommendation of the mafority of the committee with reference to Judge

Barnard :-In the case of George G. Barnard, a Justice of the believing that the evidence adduced before them contains sufficient to make it proper that said Justice should be placed on trial before the Court of Impeachment, respectfully recommend the adoption of a resolution to that effect:—

Resolved That Grant Court of the Court of the

Resolved, That George G. Barnard, a Justice of the apreme Court in this State, he, and hereby is, impeached or mal and corrupt conduct in office.

for mal and corrupt conduct in office.

William W. Niles, C. P. Vedder, Albert L. Hayes,
Robert H. Strahan, David B. Hill.

We deem It just to state that by the term "corrupt" in the above resolution we do not mean
pecuniary corruption.

THE SAME WORDS BUT SOFTER. The minority of the committee, who were also in favor of impeachment and who differed from the other members only in the form of the resolution, recommended the following as a substitute, believing it to be more regular and perfect :-

The following members of the committee dissent from the above report so far as it relates to the form of the resolution, and recommend the adoption of the following form of resolution for the purpose of said impeachment:—

Resolved, That George G. Barnard, a Justice of the Su-preme Court in this State, be and he hereby is impeached, for mal and corrupt conduct in office, and for high crimes and misdemeanors. L. Bradford Prince, F. W. Tobey, Charles A. Flam-

THE CROWNING WORK OF REPORM—PRINCE'S SPEECH. Passing over altogether the case of Judge Cardozo, Mr. Prince, who, though he signed the minority resolution, recommending the impeachment of Judge Barnard for mal and corrupt conduct in office and for high crimes and misdemeanors. moved the adoption of the majority resolution, which differs only in phraseology from the other, and recommends his impeachment for "mal and corrupt conduct in office," omitting the additional and formal phrase, "and for high crimes and mis-demeanors." Mr. Prince said the proceedings which now came before the House would constitute an epoch in the history of the State and of the nation. This would be the crowning work of reform which this Legislature was sent here to effect. A year ago there was a power in New York which seemed to reign with well nigh "supreme rule." It controlled not only the heads of the various departments, but even the judictary itself. An uprising of a great people, coming with the force of an avalanche, overthrew

THE GREAT, CORRUPT OLIGARCHY. and made an end of its giant power forever. In order to perfect and make certain the triumph which the people achieved last fall, the judi-ciary, which had sustained the reign of mirrule and corruption, must be purged, the Bar Association of New York took the initiative steps, and the Legislature is called upon to carry to a successful conclusion their labors. Already good fruit has resulted from the action taken. Yesterday, at half-past nine o'clock, while the judiciary report was about to be signed, one of the corrupt Judges had sent to the Secretary of State his resignation. The Assembly, he said, sits to-day as s great Grand Jury, and had it in their power to purify the judicial atmosphere for all time to come.

IMPEACRMENTS HAD BEEN RARE in the history of the State; only two are recorded. Never before was a Judge of the Supreme Court presented to the Legislature for trial. was a matter of peculiar solemnity attack the record of a member of the judiciary; a Judge sworn to see that justice was done is himself to be impeached for a total want of justice, and for corrupt and maladministration of his office. It is especially infamous that a man who should have seen to it that there was perfect security citizens, so conducted himself as to cause all classes and all business operations to feel most insecure. Mr. Prince then referred to the

RETRIBUTION. testimony of a few of the witnesses to show the unfortunate effect which the action of the law Courts in New York had upon important branches of business at home and abroad.

FAYING TO KEEP OUT OF SCRAPES.

He quoted part of the testimony of Oakes Ames, former President of the Union Pacific Railroad Company, who, in reply to the question what were the motives inducing the company to remove its offices from New York to Boston, answered:-

the motives inducing the company to remove its offices from New York to Boston, answered:—

"We had injunctions served upon us to prevent the election of officers, and suits brought against his, as we thought, to put us in the hands of a receiver, and had to pay sums of money to keep out of those scrapes. We found that we could not carry on our business in New York without being driven into insolvency or into the hands of a receiver. I used my inducence at Washington; I was a member of Congress at that time; I went there to get a bill passed to remove our offices from New York; in that bill we were authorized to have our offices either in New York, Philadelphia, Washington or floston, and I don't know but some other point; we got the haw passed, with a great deal of

OPPOSITION PROM JAMES FISK, or his agents; we moved our offices to Boston; we were forced to do it against, as we considered, the best interests of the company, because we considered New York the neet commanding place, and we wanted large sums of money and desired to operate largely, and we could not stay here."

Q. In speaking of the Courts and judiciary were in such positions that we could not stay here."

Q. In speaking of the Courts and judiciary of this city, whose action had been such as to induce the company to remove its office from this city, do you reier to any particular Court? A. Well, Judge Barnard, I think, issued most of the injunctions—Barnard and Cardozo; I believe they got one injunction from Judge McCunn.

He also quoted the testimony of Hotace F. Clark, President of the Union Pacific Railroad Company.

He also quoted the testimony of Horace F. Clark. President of the Union Pacific Railroad Company, to the same effect. With reference to a discussion among the directors of the Western Union Telegraph Company as to the expediency of providing for the removal of the general office of the company from New York city he said, "Mr. William Orton, the President of the company, testified :--

Orton, the President of the company, testified;—
PRACTICAL MINTS.

"A suggestion was made by some one that it would be prudent for the managers of the company to make some provision for a contingency, when for the company's interest it might be deemed advisable to remove the head-quarters out of the city of New York.

Q. What contingency was speken of? A. I think it was the possibility of proceedings against the company that might be deemed prejudicial to the interests of the stockholders.

Q. Proceedings of what kind? A. Legal proceedings. Q. Was there any mentioned ! A. I do not re-

ered or discussed.

Q. And for the protection of the company, in what contingency was it thought it might be necessary to remove the headquarters of the company? A. It is my impression that it was such a contingency as the appointment of a receiver of the property of the company; or the subject of the general sense of insecurity in commercial and financial circles; on account of the administration of justice in New York, and its effect upon the investment of foreign capital in American securities.

Who is largely engaged in poyks

MR. GEORGE OFDYKE
Who is largely engaged in commercial business, testified:—In our negotiations abroad we have carried them in Germany mainly, some in France, and have made efforts in Great Britain. We have found the feeling in regard to the judiciary in this State, as we generally term it—referring, it is presumed, more especially to the city—a feeling of insecurity in regard to the actions of the courts in this city, has prevented us in several cases from consummating negotiations, and the feeling is felt, but in a much less degree, in Germany.

many.
Also, in reply to questions as to how the optnion which prevails in respect to the action of the courts, and the Supreme Court in particular, affects the interests of the city and the monetary interests

the interests of the city and the monetary interests of the country,

MR. JOHN T. JOHNSON,

President of the Central Railroad of New Jersey, said the feeling of insecurity with regard to the courts, and the feeling that justice may be bought and sold like any other commodity, induces a general feeling of distrust and tends very strongly to weaken the value of securities; it makes also a general disposition, as far as possible, to keep corporations in particular beyond the reach of courts that it is supposed may be influenced.

And Royal Phelps testified that there is a prevailing opinion in the city of New York that some of the courts are not as honestly administered as they should be; that the names of Judge Barnard and Judge Cardozo were very conspicuous in that connection, and that the action of those Judges has produced feelings of distrust in respect to the interests of corporations and individuals in New York, as well as affected injuriously American interests abroad.

Sacred Purity Of the Erming.

SACRED PURITY OF THE ERMINE. After alluding briefly to the law of impeachment in the various States of the Union, and citing several instances of impeachment in Great Britain, Mr Prince said there were ten times more impeach able offences in this case of Judge nard than in any of the cases he had mentioned. Hence he asked of the House in favor of the resolution for impeachment, not a vote of the majority merely, but such a vote as would stamp the scal of just condemnation upon anything that invades the bench and touches judicial ermine to sully its sacred purity. I ask this, he said, in the the Bar of the State, eaking through the largest organized association. first instituted these proceedings; of that Bar which has been forced to suffer from the partiality and tyranny of a corrupt bench, or, in order to gain its favor, to cringe before it, or lose its brightest

syranny of a corrupt bench, or, in order to gain its favor, to cringe before it, or lose its brightest moral jewel—its self-respect. I ask it in the name of the Bench, of the true, honest and faithful judiciary or our State and of the land, whose good name has been injured, whose dignlity has been imparted, whose pure ermine has been suilied and dragged in the dust by those who have bigraced that the High Positions, and whose notorious words and deeds have brought discredit and dishonor on the very name of "fadge." I ask it in the name of the Legislature of this State, whose just and salutary laws have been disregarded and rendered of no effect by those who were elected to indical positions for their enforcement. I ask it in the name of the business men of New York city, whose interests have been jeopardized, whose property has been depreciated, whose affairs have been rendered unsafe and hisecure by the course of so-called justice in their midst, and who for years have lived in continual fear of the injunction or the receiver. I ask it in the name of THE WHOLE PLOYIE OF THE METROPOLIS, to whom justice has been a mockery, to whom the name of a court has been synonymous with partiality and oppression, rather than equity and protection, and who, hoping against hope, from year to year, for the removal of this tyranny, now look to you and put their trust in your justice, your integrity and your dramness. Lastly, I ask it it in the name of the people of this great Empire State, throughout its whole length and oreadth, who, though removed from the immediate scene of the misconduct of these men, yet feel disgraced that they have held seats on the Supreme Bench of the State of New York, in whose nostrils their names and the story of their deeds is a stend, and whose good name throughout the civilized world is involved in your decision to-day. For the sake, then, of that justice which they have been strangers, of that reform to which they have been strangers, of the franker of the committee.

Mr. Tilden Said that this i

occupies, by the adoption of the resolution of the committee.

Mr. Tilden said that this investigation was instituted at a period when there was a general, profound and widespread dissatisfaction and alarm in regard to the administration of justice in the State, and particularly in the First Judiciary district. This Judicial Investigating Committee, of which I have been an humble member, received testimony a long time in New York city upon the charges made against the Judges of that city. The Judges were allowed to be present and to introduce the testimony they desired. The results are embodied in the papers hald before the House. The most conspicuous evils in the administration of justice in the city of New York grew out of violations of statutory and customary law; tomary law; Viglations of DUTY and abuses of Judicial Dis-

tomery law;
VIOLATIONS OF DUTY AND ABUSES OF JUDICIAL DISCRIPTION;
granting injunctions and receiverships and in appointing referees. The rules of law in regard to granting of injunctions are as well settled as any other rules of law. The temporary fujunction is a preventive and protective remedy. It never was granted till a few years past, except in a case where an injury would take place to one of the parties which could not be remedied at the time of hearing. Exparte injunctions were not granted except where the case was so emergent that there was not time enough to give even a preliminary hearing to the other side and where the case was very clear. We never heard of those troubles about injunctions in the days of Chancellor Walworth. Whoever heard, in any country where equity jurisprudence has been administered according to law, that the injunction, instead of being a preventative, protective measure to keep them from harm until the Court could hear the case, was a final execution, harassing them perhaps to such an extent that they could not wait for a hearing, but were compelled to settle or compromise, or do anything to prevent this

ABUSE OF THE JUDICIAL POWER.

Whoever heard, in any civilized community that pretended to be governed by laws, of judges acting on their own arbitrary personal will in the exercise of these great, high and transcendent powers of the High Court of chancery? The abuses tast grew out here, a few years ago, of this subject, were

in the city of New York. No man, perhaps is more extensively conversant with the bar or the business men of New York city and other parts of the United States than myself in the last fifteen or twenty years. An alarm went from that centre to the remotest bound of the Union. No man felt safe in personal or property rights against these abuses of indicial power—I should have said violations of law; often violations of statute, always violations of the customary rules of law, that are as binding on the conscience and actions of a judge as though they were embodied in the statute. I know that in the period when these things were the most rife—in 1869—that there was general sentiment running through the minds of the business men of New York, and of other parts of the country who came there to do business. I know there was a general panic, that we were on the eve of a withdrawal of that speckes of business from the metropolis of this country, because the administration of justice was one in which life and property was unsafe. In 1869 I portrayed to His Excellency the Governor the consequences of the administration of justice as it existed at that time. We will all remember that in his Excellency's Message, in the January following, he remarked that the abuses in that time. We will all remember that in his Excolleney's Message, in the January following, he
remarked that the abuses in
THE GRANTING OF INJUNCTIONS AND RECEIVERSHIPS
ez parte, had become such that it would be a
less evil to dispense with the process entirely.
There is no doubt that we stand in a
period of our country where there is great and
general demoralization. There is no doubt that
our present judicial system has serious defects in
its structure, but we could get along with it for the
time if we could rely upon the personnel that
constitutes our judiciary. I have deliberately
made up my mind on the best reflections that I
could give to this subject for several years past,
that no legislation, no change in our constitution,
that no measure that can be adopted by the wit of
man, will avail unless you parily your judiciary.
This case under consideration bristles with
the violations of law—often of statute,
very often of those rules of law that are just as
binding on the consciences and actions of a judge.

binding on the consciences and actions of a judge. There is more impeachable matter in this testimony than is contained in the whole eight cases in which judicial officers have been impeached in the United States that have got into books. There are more violations of law more

States that have got into books. There are more violations of law, more in this testimony that in all those eight cases in which there were four convictions and four acquittals. In addition to the abuses of discretionary authority, a new idea, novel in our jurisprudence of this State, has come largely in the ascendancy in the minds of certain judges, and that is to deal with this great discretionary power as you would with the lowest and most vulgar forms of political patronage. A judge that admits the idea of patronage into his mad as an element of his action is corrupt. The constitution of 1340 was so jealous and so abhorrent of anything in the nature of the use of patronage that it solemnly forbids the judges the Supreme Court to be vested with any power of appointment. There is

AN INDUCEMENT TO APPOINT RECEIVERS AND REF-EREES for the sake of patronage. Then follow allowances to comsel, and the property of the litigant is socized on without law and divided between the corrupt judge and his corrupt friends and de-

corrupt judge and his corrupt friends and defenders.

There is no instance in the history of a civilized community in which exis of this nature were growing to be so unendurable as they were in the city of New York. The powerful and the wealthy can take care of themselves; but in the general loosening of the bonds of society, a general insrespect of law in judicial places, where is the poor man to go for succor? Who will protect and defend him in the days of his adversity? In the case of Judge Burnard there is no instance in judicial history of a man so reckless on the bench of the rules of law, both statutory and customary. Even when he had no particular motive to do wrong he seeined to consider that he had a right to do

of the rules of law, both statutory and customary.

Even when he had no particular motive to do wrong he seemed to consider that he had a right to do fost as he pleased. Sir, I thank God that I have lived, or at least thought I lived, under a government where I and other men could ascertain what the rules of law were, and, when so ascertained, insist on their enforcement by the Judges. A condition of things has existed in New York city in which the Judge from the bench makes a rule of law that governs in that particular case. It has been a condition of tyranny which no free government, no civilized community, ought to endure. Another evil growing out of this state of things will be the

DENOIRALIZATION OF THE BAR.

It is not very long ago when our courts were cited with distinction and honor in the courts of the United States and foreign countries wherever our language is spoken. It was but a few days ago that a distinguished judge of this State told me that he was on a visit to Pennsylvania, where there was a festival, and they toasted the Judiciary of the State of New York, and he felt humiliated at being called upon to respond. In foreign countries where our language is spoken, wherever there is business enough to induce a translation of our language, in Europe—in France in Germany—their literature is imbued with a disparagement of the judiciary of the State of New York. Some of these papers have been translated within the year past from foreign tongues. The arguments in many cases addressed to downtrodden masses of Europe against free government were the abuses and corruptions of the New York judiciary. Sir, if on examination I could find that these men were innocent of having given cause for this impeachment; if they had been faulties in their offices, or if by an investigation they could be acquitted, so as to be rendered fit to perform the functions of their offices—useful to the community which is responsible therefor—I would myself join in standing against the fiery tide which overwhelms them.

Mr. Nil

myself join in standing against the het, the new years overwhelms them.

Mr. Niles said it was a fundamental principle of his life that every word should be used wisely. He thought there was very little needed to be said on the present occasion. Months ago there had come up a great cry to this House to purify the bench of New York. A committee had been formed who had labored long and patiently with the investigation committee to them. That committee had remained, as far as possible, calm, just and unexcited in the discharge of their imjust and unexcited in the discharge of the unit the discharge of the unit the unit

committee had reemalued, as far as possible, calm, just and unexcited in the discharge of their important duties. They came to this House with a report concurred in by republicans and democrats alike, so that

"THE CHARGE OF "PARTISAN MALICE"

could not be made. Having conscientionsly done their duty, the committee submitted the result of their labors to the House, confident that the action their labors to the House, confident that the action their labors to the House, confident that the action their labors to the House, confident that the action their labors to the House, confident that the action their labors to the House, confident that the action their labors to the House the confident with some opposition to the majority report. He signed the report because he was convinced ladge Barnard did not appreciate the majority report. He signed the report because he was convinced ladge Barnard did not appreciate the dignity of his position. There was no proof that the Judge had been indusened by any corruption of a pecuniary nature, but there was corruption that was not pecuniary, and hence he had signed the majority report.

Mr. PLAMMER said—This is to me a painful hour; painful that I contemplate a part of the indicator of the Empire State should have the clock of doubt and dismonor cast about them; painful that the families of the accused should be plunged into bereavement and humiliation. Duty, nowever, faces me. It is straight in my path; I cannot step either to right or left without violating my obligations and the oath that I took at the opening of the, session. No one would have with greater pleasure than I, would the testimony have warranted reported that the charges against warrant than I, would the testimony lave warranted reported that the charges against otherwise. The committee are of but one opinion in reference to this matter. I doubt not but that their report will almost unaulmously be sastained. I will not recite their inbors or touch on the vidence, that has already been sufficiently elaborate.

liberty advanced, the bounds of human free-dom enlarged, the administration of government in all its departments purified, and justice, with all its heavenly attributes, tempered with mercy, over-spread us all like a benediction, gathering wisdom from the past, receiving instructions by the present, and, with "mailee towards none," let us, in the smith the second of the secon and, with "mailor towards none," let us, in the spirit of a dignified and exatted manhood move onward to the grand consumma-tion of our labors with dispassionate consideration, with a faith in the justness of our cause that nothing can shake, and under the filmentation of human lights that shine like stars let us advance.

lights that shine like stars let us advance.

SPEECH OF MR. FIELDS.

Mr. FIELDS then obtained the floor, and appeared as the only open defender of Judge Barnard against impeachment. He regretted that his health would not permit him to make any extended remarks. The gentleman from Queens—Mr. Prince—he said, had spoken for forty minutes, and had presented no evidence to sustain the impeachment. The gentlemen whose testimony Mr. Prince quoted were mostly those who had been disappointed in certain schemes. Mr. Gleids then commented on the evidence of Royal Phelps and George Opdyke, and proceeded to say a Judge could not be impeached for exercising indicial discretion. Mr. Tilden had not entered into the merits of the case, probably because he expected to be appointed one of the managers of the impeachment. The old times to which Mr. Tilment. The old times to which Mr. Tilden alluded were not free from criticism. The Chancelors appointed their sons and other near relatives as clerks; there was as much fairness to talk of patronage under the old system of jurisprudence as under the new. Mr. Tilden d said that

other hear relatives as clerks; there was as much fairness to talk of patronage under the old system of jurisprudence as under the new. Mr. Tilden d said that

A CORRUPT BENCH MADE A CORRUPT BAR.

Granting that it was so then why was the Bar Association of New York pressing these charges against the Judges—probably on the ground that it takes A THEF TO CATCH A THE TO CATCH A THEF TO CATCH A THEF

corrupt conduct in office," was adopted by a vote of 28 to 14, 28 follows:—

Yeas—Messrs. Abbott, Alberger, Alvord, D. L. Babcock, I. H. Babcock, Badeau, Baltz, Beckwith, Bennett, Berrel, Buckley, Buell, Burritt, Carroll, Chamberlain, Grandisl, Dykman, Eastman, Enos, Flaumer, Foiey, Ford, Fort, Fowler, Gelb, Goring, Goss, Green, Greenhalgh, Gregory, Griffin, Haight, A. L. Hayes, Herrick, D. R. foli, Holdridge, Hollister, Houghton, Hungerford, Husfed, Hyatt, Jadd, Kennedy, Kllian, Kingsland, Knapp, Lewis, Lincoln, Lipplit, G. P. Lord, Loft, Lynde, Mackay, Marcy, Moorie, Morton, Moulton, Murdack, Niles, Pell, Pierce, Preston, Prince, Riee, Rose, Sage, Shepardson, Simson, Smiley, Smith, Smyth, Sniper, Snyder, Speaker, Springstod, Swain, Filden, Tobey, D. Tomkins, M. M. Tompkins, Tucker, Twombly, A. L. Van Dusen, W. J. Van Dusen, Vedder, Wells, West, Whitbeck, White, Whittaker, Wiley, Woodward, Wynan—33.

Navs—Aitken, Blair, Campbell, Chambers, Cook, Conchann, Dumphy, Fields, Haughton, J. Hayes, Healy, G. D. Lord, Moseley, Mosher, Oakley, Rochs—16.

Absent-Messrs, Benus, E. E. Brown, I. D. Brown, Burns, Davidson, Graham, Hart, Jacobs, Knettles, Loughran, Osgood, Rice, Ray, Squires, Woodsey, Yeoman.

Resolved, That a committee of three be appointed by the Speaker to go to the Senate, and at the bar thereof, in the name of the Assembly, and of all the people of the State of New York, to impeach George G. Barnard, a Justice of the Supreme Court of this State, of mal and corrupt conduct in office, and acquain the Senate that the Assembly will in due time evaluate articles of impeachment against document of the Senate that the Assembly will in due to the Senate that the Assembly will in due to the Senate that the Committee document that the Committee of Senate that the Senate takes order for the appearance of said George G. Barnard to answer to said impeachment.

The resolution was adopted, and the Speaker pointed Messrs. Prince, Niles and D. B. Hill as mmittee. Mr. VEDDER then offered the following resolu-

The resolution was also adopted, and the committee appointed by the Speaker consisted of Messrs, Vedder, Prince and Tilden. The committee made its appearance

geant-at-Arms. A dead silence fell over the cham-ber as the three Assemblymen walked slowly half way up the middle siste, and every voice was hushed as Mr. Prince addressed himself to the Presi-

hushed as Mr. Prince addressed nimself to the Presi-dent, as follows:—
Mr. Prinstier—We appear as a committee of the Assembly of this State, appointed to come to the Senate and at the bar thereof, in the name of the Assembly and of all the people of the State of New York, to impeach George G. Barnard, a Justice of the Supreme Court of the State, of mal and corrupt conduct in office, and acquaint the Senate that the Assembly will in due time exhibit particular articles of impeachment against him and make good the

Assembly will in due time exhibit particular articles of impeachment against him and make good the same; and to demand that the Senate take order for the appearance of said George 6. Barnard to answer to said impeachment.

When this formal announcement had been made, the President replied that he would give the Senate due notice in accordance with the directions of the committee. The latter then retired and the President formally notified the Senate of the action and demand of the Assembly, remarking that there was no necessity for the Senate taking any action at present, as the proceedings were merely preliminary, the articles of impeachment having not yet been drawn up.

AT THE EVENING SESSION OF THE ASSEMBLY
Mr. Prince, on behalf of the committee appointed to visit the Senate, made the following announcement:—

Mr. SPBAKER—In obedience to the order of the Mr. SPRAKER—In obedience to the order of the House, we proceeded to the bar of the Senate, and, in the name of this body and of all the people and of the State of New York, we impeached, as we were directed to do, George G. Barnard, a Justice of the Supreme Court of this State, of mai and corrupt conduct in office, and acquainted the Senate that the Senate would in due time exhibit particular articles of impeachment against him and make good the same, and we demanded that the Senate should take order for the appearance of the said George G. Barnard to answer to said impeachment, to which the response was that the message would be duly communicated to the Senate, and that that body would take due order thereon at the proper time.

# THE HONORED DEAD.

Preparing for Decoration Day-The Meeting To-Night at the Cooper Insti-The great soldiers' meeting in aid of the fund to

procure monuments to General Thomas and the four thousand Union dead in Cypress Hills Cemetery will take place in Cooper Union this evening. The object is one which of itself will appeal to every citizen, and the programme is so attractive that it will doubtless call out a very large audience. General Burnside will call the meeting to order, and the exercises will be as follows:-

and the exercises will be as follows:—
Address by the Chairman, General Joseph Hooker.
Music by Governor's Island Band.
Reading of resolutions, letters, &c., by the secretary, E.
A. Perry.
Grand Army song (H. Millard) by the Memoriam Glee
Club and Governor's Island Band.
Eulogium on Major General George H. Thomas and the
4,000 Unlon dead by General Stewart L. Woodford.
"Mark the Dear Spot" (H. Millard), Memoriam Glee
Club.

"Mark the Dear Spot Club.
"Shorman's March to the Sea," a lecture by General Judson Kipatrick.
National airs by the band. National airs by the band.

An opportunity will be afforded at this meeting for those who have not forgotten the self-denying labors of those who fought and bled for the Union and still keep tenderly the memory of those who died to show their appreciation of true putriotism. The meeting will be largely attended.

### REV. DR. HUSTON.

The Church Committee Prepared to Try the Doctor on the Charges Preferred Against Him Baltimore, Md., May 2, 1872.

Rev. Mr. Rogers, the Presiding Elder of the Baltinore Methodist Episcopal Circuit, has completed the preliminary examination of the charges against Rev. Dr. L. D. Huston, and yesterday forwarded a copy of the formal indictment to Dr. Huston, at copy of the folial indeciment to Dr. Huston, at Cincinnati, with the request that he would inform the Fresiding Elder when he (Huston) will be ready for trial. The committee to try the case has been appointed, and the trial will be proceeded with as soon as Dr. Huston is ready.

# THE COURTS.

The Whiskey Ring Indictments-Alleged Smuggling of Silk Goods-Assault on the High Seas-Non-Payment of Officials in the United States Courts-The Broadway Widening Case Children's Aid Society in Court-Decisions.

UINTED STATES CIRCUIT COURT.

The Whiskey Ring Indictments-Motion To Be Made to Set Them Aside. It is understood that on the opening of the Circuit Court a motion will be made to quash the indictments, including those in relation to the whiskey ring, found by the Grand Jury during their key ring, found by the Grand Jury during their recent session. The ground of the motion will be that the present system of selecting grand and petit jurors is illegal; that they have hitherto been discriminatingly taken from the "New York Directory," selections of names having been made out of that work with a view to secure a respectable class of jurors. While this proceeding appears to have been highly proper and governed by the best intentions, yet lawyers claim that the system is illegal and that the names of the jurors should have been taken without any effort at selection.

# UNITED STATES COMMISSIONERS' COURT.

Charge of Smuggling Silk Goods. Before Commissioner Shields.

The United States vs. Patrick Kane.—The defend-

ant was charged with having received a quantity of silk umbrellas and silks, which were supposed to have been stranggled from England on board one of the European steamers. Mr. De Kay appeared for the prosecution, and Mr. Rollins for the defence. It was alleged that the goods were taken from the steamer by Kane, and placed on board a burge by him. They were found there by one of the Harbor Police, who had a conversation with Kane. Kane said the goods did not belong to him; that he had not brought the stuff there; and Kane then rowed the officer and the goods in his boat down to the police boat. Kane asked if he would be pald for this service, and the officer said he throught he would. Samuel Barclay, a Custom House inspector, deposed that on the day after the seizure he went down to the police boat to see what the stuff amounted to; Kane admitted to him that it was four or five pieces of silk; he did not say that he had seen the silk. Mr. De Kay said that he had two witnesses to prove that they saw the defendant remove the goods from the steamer; but he could not get them to be la attendance without a great deal of trooble; yet without their evidence he thought he had made out a prima factic case. By the law, if goods are brought into the United States without paying duties the possessor of them was bound to was alleged that the goods were taken from the goods are brought into the United States without paying duties the possessor of them was bound to show how he came by them. In this case they were put on board the barge in a suspicious manner in place of having been regularly entered at the Custom House. Mr. Rollins was about making an argument on the law of the case for the defence, when the Commissioner Intimated that, before hearing any argument, he would like the government to close their case.

The examination was then adjourned to Saturday (to-morrow).

Alleged Assault Upon Colored Sailors-The British Consul and His Duties. Yesterday four colored sailors, one of whom is

named Thomas Foster, appeared before Commissioner Shields and made a complaint to him to the following effect:-Foster, with his companious, sailed from Cardiff, Wales, in the English ship Henry Pelham, laden with railroad fron, for New York. On the voyage the mate, whose name is Grant, according to the statement of Foster, comorgant, according to the statement of Foster, commenced to beat the men in a cruel manner, and on the 17th of April struck Foster on the head with an iron belaying pin, indicting a severe wound. When the sailors arrived in New York they went before the British Consul and represented their case to that gentleman, who told them he could not do anything in the matter. This is the allegation of the sailors. The Commissioner informed them that he could not interfere, as sioner informed them that he could not interfere, as the vessel did not belong to the United States. The British Consul was the proper person to apply to. Foster—But we have applied to him, and he says he cannot do anything for us. Are men to be abmost mardered without getting redress? Can I sue the mate for the assault and battery he has inflicted upon me?

upon me?

The Commissioner—If your statement be correct you can sue him in the Marine Court.

Foster, with his companions, then left the Court. He states that he did not disobey the lawful orders of the mate, and gave him, so far as he knows, no provocation for the bad treatment he alleges he has received at his bands. Claims in the Marshal's Office Against

the United States. Within the last few days Marshal Sharpe has received several letters from gentlemen who had served as jurors, demanding to know why they have not been paid the legal compensation for their services. The Marshal's reply to these demands is that he has no funds at his disposal for that purpose, and that, therefore, he is not in a position to make liquidation of the claims in question. The deputy marshals have received no pay since the 24th of December last. Congress is so much occupied with inquiries into all sorts of matters that the wheels of legislation have been stopped, and the result is that, though bills of appropriation are ready, Congress from the cause stated has not found time to pass them. There are many claims due in the Marshal's office; but the Marshal cannot settle them, as he has not the wherewithal to do so. It is to be hoped that Congress will hurry up the appropriation bills. not been paid the legal compensation for their

### SUPREME COURT-SPECIAL TERM. Widening Broadway.

Refore Judge Gilbert The motion to confirm the report of the Commissioners of Estimate and Assessment in the matter of the widening of Broadway came up yesterday for a hearing in this Court. On behalf of the Corporation ahearing in this Court. On behalf of the Corporation Mr. Richard O'Gorman asked an adjournment for two weeks, on the ground that the bill of costs had not yet been made up by the referee, and until the same was made up the Court could not properly make an order of confirmation. Counsel for the respective property nodders opposed so long an adjournment, and the Court, by way of compromise, set down the hearing of the motion for next Thursday.

SUPREME COURT-CHAMBERS.

The Children's Ald Society Habens Corpased. Before Judge Brady.

The writ of habeas corpus granted a few days ago against the managers of the Children's Aid Society to compel them to produce the body of Michael Foy, a boy sixteen years of age, was returnable Foy, a boy sixteen years of age, was returnable yesterday. In the affidavit of the boy's parents it is alleged that the managers of the society sent him West the very day after they got control of him; that no effort was made on their part to find them, and that he is now in Plattsburg, Mo., beyond their reach. They say, further, that they are abundantly able to take care of him. No appearance was made on the part of the society. Judge Brady adjourned over the hearing to allow the facts in the case to be more fully investigated.

#### SUPERIOR COURT-SPECIAL TERM. Decisions.

Barr vs. Franklin.—Motion granted, with \$10 costs. See opinion with Clerk.
Beadel vs. Brennan, Sheriff.—Order granted.
Carpenter vs. Engelstriecker.—Order of reference granted.
Elizabeth Herrman vs. Henry Herrman.—Referee's report confirmed and decree of divorce granted.

granted.

Jordon et al. vs. Beck et al.—Order confirming referee's report.

Slevin vs. McCabe.—Order granted.
Phieffer vs. Benedict et al.—Same.
Schenck vs. Bartel.—Same.
Von Ochsen vs. Von Ochsen.—References granted.
Cohen vs. Mctanache.—Motion to place cause on calendar of short causes for 10th inst. granted.

By Judge Freedman.

Guerke et al. vs. Downing et al.—Motion denied without costs.

ithout costs. Saeltzer vs. Tindall.—See memorandum on papers

#### COURT OF GENERAL SESSIONS. Close of the Term-Over One Hundred and Fifty Cases Disposed Of. Before City Judge Gunning S. Bedford.

After the opening of the Court on Tuesday Michael Farmer, who was convicted last week of firing chael Farmer, who was convicted last week of firing a pistol at Thomas Maguire, the porter of the Metropolitan Bank, with intent to do bodily harm, was brought up for sentence.

Mr. Mott made an argument for an arrest of judgment upon alleged technical defects in the indictment, which was briefly replied to by Assistant Distict Attorney Sullivan.

ment upon alleged technical defects in the indictment, which was briefly replied to by Assistant District Attorney Sallivan.

Judge Bedford, in denying the motion, said that whenever a person is indicted for assault with intent to kill, the jury had a right to convict of an assault with intent to do bodily harm, as they did in the case of the prisoner.

Mr. Sullivan stated that he had received a letter from the President of the Metropolitan Bank, asking for leniency on account of the previous good character of Farmer.

His Honor took that into consideration and sentenced him to the Penticuliary for six months.

The Alleged Murderer of a Belgian Count Held Upon a Charge of Larreny.

Upon a Charge of Larceny. Judge Bedjord denfed the motion to quash the

indictment against Carl Voght, alias Joseph Stupp, charged with the larceny of foreign securities, said to be the proceeds of a theft committed near Brussels. The accused is also suspected of murder-ing the owner of the bonds, in whose chateau he was employed.

George Nolan, alias Charles Nolan, pleaded guilty to an attempt at larceny, the charge being that he stole a gold watch and chain on the 26th of March

stole a gold watch and chain on the 26th of March from the person of Louis Reiman, while riding upon an avenue A car. He was sent to the State Prison for two years and six mouths.

Amos N. Siwyer, who on the 5th inst. obtained felonious possession of a gold and diamond bracelet, valued at \$200, the property of Edward Haid, pleaded guilty to an attempt at fail, John Farrell pleaded guilty to an attempt at, burglary, John Farrell pleaded guilty to an attempt at, burglary, he having in company with an accomplication of the second size of the second size of the second size of the second size of the Penitentiary for six months.

Accust tals.

Acquittals. Edward Zabriskie was tried upon a charge of stealing, on the 22d of March, a coat and a silver watch from Major Bryant. The respective parties were colored men, and the main witness for the were colored men, and the main witness for the prosecution was a venerable colored lady named Julia Holmes, whom Mr. Howe called "Huntl." When he asked her questions about the coat she said she saw Zabriskle with the she passed from the Major's apartments. The coat was a "long-tailed black" garment, but the Major maintained that it was a "long-tailed blue" pilot coat, purchased by him in Bombay. The jury rendered a verdict of not guilty.

Charles W. Woods and Thomas Fox were placed charles W. Woods and Thomas Fox were placed at the bar charged with receiving some articles of woman's apparel belonging to Caroline Mettzler, from whom they were stolen. Shortly after the case commenced the District Attorney abandoned it, as there was no proof against the defendants, and the jury promptly rendered a verdict of acquittal.

Suspended Judgments.

John Schmidt, a boy in the employ of Samuel W Saxton, who keeps a jewelry store in Nassau street, pleaded guilty to an aftempt to steal three chains, valued at \$165, the property of his employer. Mr varied at \$165, the property of his amployer. Mr. Saxton asked to have the punishment slight, and, in view of the previous excellent character of the accused, His Honor suspended judgment. Ann Johnson, a young colored grit, who stole a watch and chain on the 2d of March from Mrs. R. Bartlett, pleaded guilty. The complainant interceded for the girl, and that being her first offence the Court discharged her, after exacting the promise that she would steal no more.

Mr. Sullivan then announced to the Court that he had no further business for the jury this term. Judge Bedford in discharging the jury thanked them for the attention, and fidelity with which they discharged their duties during the month. Since the opening of the April term the City Judge has disposed of about one hundred and fifty cases, which is a good month's work. A large number of the indictments were against parties who were de-tained in prison, so that the cells of the Tombs are not so much crowded as they were at the beginning of the term which has just closed.

SUPREME COURT—CHAMBERS—Held by Judge rady,—Nos. 77, 185, 187, 189, 200,

COURT CALENDAR-THIS DAY.

BROOKLYN COURTS.

COURT OF SESSIONS.

The Notorious 1227 Jones Convicted at Last-Going to the Penitentiary for

Before Judge Moore and Associate Justices Voorhees and Johnson. On the night of the 23d of January last the jew eiry store of James McMurray, at 329 Fulton street,

was burglariously entered and robbed of silver ware to the value of about two thousand four hundred dollars. The store extends through from Fulton to Washington street, and directly opposite the rear stands the First precinct police station. On the morning following the robbery the employers found a chisel in the store, which instrument had evidently been used by the burglar to open the door. The notorious Izzy Jones, being suspected, was arrested the same day at 19½ Bond street by Detective Riggs, of the Central Office, who found in his possession two pawn tickets—one for a watch and chain and another for dental goods. The prisoner was placed on trial yesterday for burglary. According to the testimony of Samuel Wilkinson, a clerk in McMurray's store, who roomed with Jones at the time, the latter called at the store on the 23d of January to have a glass fitted to his watch. Frank Lindon, another clerk, saw him in Washington street on the night of the robbery. It also appeared that Jones before the date of the robbery borrowed a travelling satchel from a young lady, who yesterday identified the key to it, which was found in the prisoner's possession. He never returned the satchel. was arrested the same day at 19% Bond street by

lady, who yesterday identified the key to it, which was found in the prisoner's possession. He never returned the satchel.

The most damaging testimony against Jones, however, was that of Richard J. Young, who occupied the same cell with him in the jall. Young was arrested for sheaking into lawyer Condit's office, corner of Atlantic and Clinton streets, and attempting to get away with that gentleman's property. Young swore in Court yesterday that while he was in the jall with Jones the latter bragged a great deal about the robbery at McMarray's. Jones told how he got into the store, and how he had put the silverware in a good solid man's hands. He stated that he had realized a little money on it. According to Young's story, Izzy was very confidential, and disclosed to him many tricks of the thieving fraternity.

A card containing the numbers of several places in New York having also been found in Jones' possession, policeman White, of that city was called to testify as to the character of the establishments, lie designated them as the resorts of theves.

The prisoner was defended by Mr. William J. Dainty, who had previously got him clear on two trials for larceny. Jones was called to testify in his own behalf. He fatly depied knowing anything about the burglary, and asserted that on the night it was committed he went to New York at eleven o'clock, and slept at Sweeney's Hotel. He returned to Brooklyn the next morning and was arrested. There was no other testimony for the defence.

Jones was convicted, and Judge Moore thereupon sontenced him to the Penitentiary for four years and ten months. He took his sentence very cooily.

Sentenced.

William Barth and Antonio Berrutti pleaded guilty to putit largeny. They were sentenced to the Penitentiary for sixty days each.

### THE FIFTY FELONS

First Fruits of the Special Sessions Muddlc-Another Batch of Law-Breakers at the Tombs.

Judge Brady, sitting in Supreme Court, Chambers, yesterday, on application of Mr. William F. Howe, granted discharges from the Penitentiary of fifty of those for whom writs of habeas corpus were recently granted on the ground of their Hegal conviction in the Court of Special Sessions. This is the first batch of the 262 for whom writs were granted. It will be understood that pursuant to the Judge's recent decision the prisoners are transferred to the Tombs to await their retrial on the original charges preferred against them. These trials the District Attorney proposes to hurry forward as speedily as possible, or, at least, dispose of their eases, for the probability is that in a large majority of them the complainants cannot be found, and that there will be no other alternative but their discharge. We give below a list of the fifty embraced in the Judge's order yesterday, together with the time of their commitment and their respective offences and terms of sentence:—

time of their commitment and their respective offences and terms of sentence:—

Michael Roach, March 7, petit larceny, four mouths, Josephine Dusenbury, March 9, petit larceny, six months, Ann Riley, Feb. 6, petit larceny, six months, Louisa Goodwin, Feb. 6, petit larceny, six months, Wilhelmina Probst, March 7, petit larceny, four months, Bilen Rogers, Feb. 29, petit larceny, three months, Mary J. Campbell, Feb. 29, petit larceny, six months, Rosanna Rooney, Feb. 15, petit larceny, six months, Catherine Docherty, Feb. 15, petit larceny, six months, Catherine Docherty, Feb. 15, petit larceny, six months, Ann Feeney, Jan. 16, assault (pickpocket), four months, Annie Howard, Dec. 29, petit larceny, four months, Margaret Brown, Nov. 25, petit larceny, six months, Edward Cahill, March 19, petit larceny, six months, Edward Cahill, March 19, petit larceny, four months, George Thompson, Jan. 3, petit larceny, four months, Thomas Smith, Nov. 21, petit larceny, six months, Thomas Smith, Nov. 21, petit larceny, six months, Wm. Johnson, Jan. 9, petit larceny, six months, Wm. Smith, Feb. 8, petit larceny, four months, Wm. Johnson, Jan. 29, assault (pickpocket), twelve months.

James Daly, August 29, assault (pickpocket), twelve months.

Wm. Jones, August 29, assault (pickpocket), twelve months.

George Jackson, Jan. 18, petit larceny, six months.

George Madden, Jan. 18, petit larceny, six months.

John Wilson, Jan. 16, petit larceny, six months.

James McCarly, Jan. 16, petit larceny, six months.

Peter Grant, Jan. 16, petit larceny, six months.

William Smith, Jan. 16, petit larceny, six months.

William Ryan, Dec. 21, assault pickpocket), five months.

Dennis Mullins, Dec. 29, petit larceny, five months.

Daniel Daly, Dec. 29, petit larceny, five months.

Peter Drake, Dec. 27, assault and battery, twelve months.

John T. Davis, Dec. 14, assault and battery, twelve months.

James Nolan, Dec. 14, petit larceny, six months.

John Watson, Dec. 18, petit larceny, six months.

John Watson, Dec. 2, assault and picking pockets, twelve months.

John Watson, Dec. 2, usually and pleaning possible months.

Benjamin Welch, Nov. 21, petit larceny, six months.

William Gulon, Nov. 25, petit larceny, six months.

Thomas Butler, Nov. 25, petit larceny, six months.

William Hall, Nov. 25, assault and battery, six months.

John Deey, Nov. 26, petit larceny, six months.

John T. kurray, Nov. 25, petit larceny, six months.

Augustus Worth, Nov. 25, petit larceny, six months.

Simon Strauss, Nov. 2, petit larceny, six months.

John Johnson, Nov. 25, petit larceny, six months.